

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	JAMES EDWARD SCOTT, III,	Case No. 3:22-cv-00564-ART-CLB
4	Plaintiff	<b>ORDER</b>
5	v.	
6	SGT FNU HERZOG, et al.,	
7	Defendants	
8		

9           On December 27, 2022, pro se plaintiff James Edward Scott, III, an inmate in the  
10 custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C.  
11 § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor  
12 filed an application to proceed *in forma pauperis*. (See ECF No. 1).

13 **I. DISCUSSION**

14           The United States District Court for the District of Nevada must collect filing fees  
15 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights  
16 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28  
17 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply  
18 to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an  
19 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the  
20 following documents to the Court: (1) a completed **Application to Proceed *in Forma***  
21 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly  
22 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
23 page 4 of the Court’s approved form, that is properly signed by both the inmate and a  
24 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**  
25 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
26 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
27 obligation to pay the filing fee; it just means that the inmate can pay the fee in installments.  
28 See 28 U.S.C. § 1915(b).

1        As explained above, Plaintiff has neither paid the full filing fee nor applied to  
2 proceed *in forma pauperis*. The Court gives Plaintiff **until February 27, 2023**, to either  
3 pay the filing fee or submit an application to proceed *in forma pauperis*.

4 **II. CONCLUSION**

5        It is therefore ordered that Plaintiff has **until February 27, 2023**, to either pay the  
6 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all  
7 three required documents: (1) a completed application with the inmate's two signatures  
8 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
9 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
10 previous six-month period.

11       Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
12 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
13 to refile the case with the Court, under a new case number, when Plaintiff can file a  
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15       The Clerk of the Court is directed to send Plaintiff James Edward Scott, III the  
16 approved form application to proceed *in forma pauperis* for an inmate and instructions for  
17 the same and retain the complaint (ECF No. 1-1) but not file it at this time.

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19       DATED THIS 29th day of December 2022.  
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UNITED STATES MAGISTRATE JUDGE  
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